

Notice of Allowability

Application No.

10/050,771

Examiner

Raymond J. Bayerl

Applicant(s)

ANDERSON ET AL.

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 15 February 2006.
2. ☒ The allowed claim(s) is/are 1 - 4, 7 - 8, 10 - 15, 17 - 22, 25 - 29, 32 - 40, all other claims canceled.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

6 March 2006

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Patterson on 3 March 2006.

3. The application has been amended as follows:

In the Claims:

Claim 35, line 1: "as recited in claim 35" has been replaced by "as recited in claim 34".

This Examiner's amendment serves to correct a typographical error.

4. The following is an examiner's statement of reasons for allowance.

Responsive to applicant's amendment and response, filed on 15 February 2006, the Examiner has carefully considered independent claims 1, 13, 19, 26, and deems that the prior art of record neither teaches nor suggests the form of "in-vehicle audio browser" or "car radio" arrangement that is now recited. Through the use of at least three "button" controls, choices can be made to select "between a set of primary audio control bands and a set of conditional audio control bands", "a band from the set", and among "elements within the band" (claim 13 quoted as exemplary). Each of these selection options is by its own "button". The prior art reference Clayton et al. (US #6,725,022), previously relied upon in combination with applicant's admission as to prior art in the specification in a 35 USC 103 rejection, has a hierarchy of in-vehicle audio sources that may be selected by a "button", but not the particular grouping of buttons

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that selects in the three or more ways recited in the claims. Admitted prior art is that of conventional car radio interfaces, where "button" choices may be provided between "bands" and to reach channels within those "bands". But this arrangement fails to teach or suggest another "button" above these in the hierarchy that divides the choices into "primary" and "conditional". It would not have been obvious to a person having ordinary skill in the art to navigate the hierarchy in Clayton et al with a "button" beyond those that are on the conventional car radio, due at least to a difference in combinable analogy between an older-style "in-vehicle browser" (e.g., a car radio) and a multi-purpose computing device like Clayton et al., where the navigational control is a 4-way cursor-style key control.

During a new and updating search, the Examiner noted that Strohmeier (US #6,871,060 B1) discloses a CAR RADIO INCLUDING A HAND DEVICE that uses an SRC key, to switch handset 6 between car radio mode, CD or tape mode, and telephone mode and a BND key serving to select bands during radio operation (col 2, lines 60 - 67). However, the SRC control, while it may distinguish between sources that are "primary" and "conditional", does not divide this set of sources into the two choices of "primary" and "conditional" that appears in each of the independent claims.

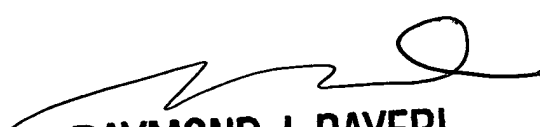
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

6 March 2006